

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19123 of 2005

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Date 01.09.2005

Between:

G. Rami Reddy

..... PETITIONER

AND

The Government of Andhra PRadesh, Agricultural & Cooperation (Coop V)
Department Secretariat, Hyderabad rep by Principal Secretary & others

.....RESPONDENTS

The Court made the following Order:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 to 4.

By proceedings dated 20.06.2005, the third respondent-Collector called for objections from various persons so as to amalgamate the non-viable societies in Manopad Mandal with the PACS Manopad. Thereafter, a resolution dated 27.06.2005 was passed in General Body Meeting accepting the proposal of the Collector to merge PACS Burdipad. The Collector passed the final order on 25.07.2005 amalgamating PACS Burdipad with PACS Kolgotla.

Since the fifth respondent-Society has passed the resolution in the General Body Meeting on 27.06.2005 for amalgamation into Manopad PACS, the presence of the fifth respondent is not necessary.

The only grievance of the petitioner is that the Collector has taken a decision with regard to the viability of PACS Burdipad to be merged with Manopad PACS and passed the final order on 25.07.2005 without assigning any reasons, which is contrary to the notification issued under Section 15-A of the A.P. Cooperative Societies Act 7 of 1964 (for short 'the Act'). Therefore, he prays to set aside the same.

Learned Government Pleader for Cooperation contended that there are reasons for merger of PACS Burdipad with PACS Kalgotla and, therefore, the order under challenge does not suffer from any infirmities.

As rightly contended by the learned counsel for the petitioner, the proposal for amalgamation of PACS Manopad with PACS Kalgotla is not possible without assigning any reasons by the Collector. A perusal of the impugned order would go to show that the Collector has not stated any reasons as to why PACS Manopad has to be amalgamated with PACS Kalgotla. Therefore, the impugned order passed by the Collector ordering merger of PACS Burdipad with PACS

Kalgotla is only liable to be set aside.

Accordingly, the writ petition is allowed setting aside the merger of PACS Burdipad with PACS Kalgotla only with a direction to the Collector to pass appropriate orders in pursuance of the proceedings dated 25.07.2005. No order as to costs.

01.09.2005

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